

Application No.: 10/647,895**Docket No.: 4605-001****REMARKS**

Applicants respond to the objection to the Information Disclosure Statement by forwarding copies of the Ice Eater and Powerhouse publications cited in the PTO 1449. Consideration of these references is requested.

Applicants traverse the rejection to the drawing under 37 C.F.R. 1.83(a). The generally horizontally disposed shaft recited in claim 29 is found in Figure 2; see the shaft connected to pumping device 31.

Applicant cancels claims 1-14, with the right being reserved to file a divisional application directed to the method defined by these claims. Cancellation of claims 1-14 obviates the need to pay additional fees for newly added claims 35-38.

Claims 15, 17 and 18, as previously written, have been combined to form claim 18 as an independent claim. Claims 15, 22, 25 and 27-30, as previously written, have been combined to form claim 30 as an independent claim. Since the previous office action indicated claims 18, 19 and 30 contain allowable subject matter, allowance of claims 18, 19 and 30 in their current form is in order.

Claims 15, 17, 20-25, 27-29 and 32 have been amended to define applicant's contribution to the art with greater specificity and overcome the rejections of claims 15, 22, 24-26, 28 and 32-34 set forth on pages 4 and 5 of the office action. Claims 26 and 33 have been amended to overcome the rejection based on 35 U.S.C. §112, paragraph 2. Claims 35-38 have been added to provide applicants with the protection to which they are deemed entitled and are directed to a feature disclosed in paragraph 35 of the specification as originally filed.

Application No.: 10/647,895**Docket No.: 4605-001**

Claim 15, upon which claims 16, 17, 20-29 and 31-38 depend, has been amended to require the sheath to include a propeller adapted to be turned, wherein the sheath, water craft and propeller are arranged for causing the propeller while the water craft is moving forward in a body of water to suck water from the body of water into the sheath interior, force the sucked water upwardly and force the upwardly forced water through another opening in the sheath.

The moving forward feature is not disclosed and is certainly not rendered obvious by Springston, U.S. Patent 4,247,261, previously relied on to reject claims 15, 16 and 34 as being anticipated and relied on to reject claims 15, 17, 20, 21 and 31 as being obvious. Column 4, lines 43 and 44 of Springston indicate the venturi device disclosed thereby can be suspended from a boat in a position of rest. In other words, the boat is not moving forward when the ice breaking devices of Springston are deployed. One of ordinary skill in the art would not have modified the Springston device to be on a boat that was moving forward in a body of water including ice because of the adverse effects on the venturi devices and the structures holding them as a result of such movement.

Claims 16 and 34, which depend on claim 15, are allowable for the same reasons advanced for claim 15.

Claims 17, 20, 21 and 31 are not rendered obvious as a result of the Springston reference. Since all of these claims are dependent on claim 15 and claim 15 has been amended to clearly distinguish over Springston, claim 17, 20, 21 and 31 are allowable with claim 15. Applicants note that claims 20 and 21 have been amended to more specifically require the inlets and outlets to be between 3 and 4 inches and between 24 and 30 inches below the water surface while the water craft is moving forward and in steady state operation. The foregoing amendments to claims 20 and 21 overcome the Examiner's comments with regard to transient operation.

Claims 22, 23, 25, 27-29 and 32 have been amended to overcome the rejection thereof based

Application No.: 10/647,895**Docket No.: 4605-001**

on Springston in view of Abendroth, U.S. Patent 3,717,115. Claims 22, 23, 25, 27-29 and 32 all now require the sheaths to be carried by the structures on the water craft. Clearly, there is no disclosure in Abendroth of members 22, 26 and 40 carrying the structures set forth in the foregoing claims.

Applicants traverse the rejections of claims 22-24 as being obvious as a result of Springston in view of Stampe, U.S. Patent 4,723,498. The examiner proposes to modify the boat mentioned in Springston such that booms on the Springston boat carry the plural sheaths. Claims 22-24 now more positively recite the structural relationship between the sheaths and the water craft in a manner that distinguishes over Springston and Stampe. The combination of Springston and Stampe is improper. The examiner states that booms (12, 12') of Stampe can be used to carry the Springston sheaths. However, a boom that is used to support a sail would be inherently unstable if the sheath set forth in applicants claims were suspended downly from the boom into the water. In the Stampe sailing vessel, twin booms (12, 12') move. If the sheath set forth in applicants' claims were mounted on booms (12, 12'), the sheaths would slam into the hull of the boat. Further, as the Stampe sailboat moves, the balance of the boat would be ruined by hanging the sheaths set forth in applicants' claims from the booms. The structure set forth in applicants' claims enable the craft to be easily moved, while it is not in the water, and provides stable operation as the craft is moving forward.

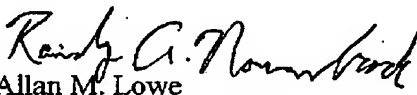
In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

Application No.: 10/647,895Docket No.: 4605-001

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP


Allan M. Lowe
Registration No. 19,641

Randy Noranbrock
Registration No. 42,940

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: February 23, 2005
AML/tal